

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

RANDLE JACKSON III	§	
v.	§	CIVIL ACTION NO. 5:01cv260
BRIAN COLLINS, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ADMINISTRATIVELY CLOSING CASE

The Plaintiff Randle Jackson, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

The cause was set for a pre-trial conference on April 2, 2007. On March 30, 2007, however, Jackson notified the Court that he could not attend the jury selection or trial because he was in federal custody in Bastrop, Texas, over 400 miles from Texarkana.

On April 23, 2007, the Magistrate Judge issued a Report recommending that the case be administratively closed until such time as the Plaintiff or the Defendants notify the Court that Jackson is no longer in federal custody, but has been either released or transferred to the Texas Department of Criminal Justice, Correctional Institutions Division. Jackson has not objected to the Magistrate Judge's Report and Recommendation; although the docket shows that Jackson has filed objections, these are objections to an order by the Magistrate Judge denying Jackson's motion for appointment of counsel.

The Court has carefully reviewed the pleadings in this cause as well as the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge dated April 23, 2007 (docket no. 96) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is ADMINISTRATIVELY CLOSED and placed on an inactive docket for administrative and statistical purposes until such time as the Plaintiff or the Defendants notify the Court that the Plaintiff is no longer in federal custody, but has been released or transferred to the custody of the Texas Department of Criminal Justice, Correctional Institutions Division. This action shall not affect the substantive rights of any party to this case.

SIGNED this 7th day of June, 2007.

A handwritten signature in black ink, appearing to read "David Folsom", is written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE